

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

SHERYL WULTZ, et al.,

Plaintiffs,

V.

BANK OF CHINA LTD.,

Defendant.

No. 1:11-cv-01266 (SAS) (GWG)

**REPLY DECLARATION OF MITCHELL R. BERGER**

I, Mitchell R. Berger, declare as follows:

1. I am a member of the law firm of Patton Boggs LLP, counsel for defendant Bank of China, Ltd. (“BOC”) in this action, and a member of the Bar of this Court. I respectfully submit this Declaration in connection with BOC’s contemporaneously-filed reply in support of BOC’s Motion for Partial Judgment on the Pleadings Dismissing Plaintiffs’ Non-Federal Claims.

2. Attached as Exhibit 1 is a true and correct copy of the Reply Report of Professor Jacques deLisle dated October 12, 2012 (“deLisle Reply Report”).

3. Attached as Exhibit 2 is a true and correct excerpt of the chapter identified in the deLisle Reply Report at 16 & n.44, and App’x iv-v: Jacques deLisle, *A Common Law-like Civil Law and a Public Face for Private Law: China’s Tort Law in Comparative Perspective*, in TOWARDS A CHINESE CIVIL CODE eds. C.H. (Remco) van Rhee and Lei Chen 353-394 (forthcoming 2012).

4. Attached as Exhibit 3 is a true and correct copy of the Supplemental Opinion of Professor Zhang Xinbao dated October 12, 2012.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 12, 2012.

  
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Mitchell R. Berger